

AMENDATORY SECTION (Amending WSR 05-14-092, filed 6/30/05, effective 7/31/05)

WAC 308-56A-410 No application required. When do I not need to apply for a certificate of ownership? A Washington vehicle dealer need not apply for (~~title~~) certificate of ownership in his own name when:

(1) A vehicle is acquired that is titled and the title is properly released; or

(2) One vehicle dealer transfers a particular vehicle to another vehicle dealer, unless precluded by other regulations;

(3) The dealer has a properly executed affidavit of loss from the legal owner of record and release of interest from the registered and legal owners of record for a Washington titled vehicle.

(4) An abandoned vehicle/vessel is purchased by a Washington licensed dealer and intended for retail sale.

AMENDATORY SECTION (Amending WSR 05-23-135, filed 11/22/05, effective 1/3/06)

WAC 308-56A-500 Definitions. The following definitions apply to terms used in chapters 46.12 and 46.16 RCW and chapter 308-56A WAC:

(1) "Affidavit in lieu of title" is a written declaration confirming the certificate of ownership, registration certificate, validation tab are unavailable, lost, stolen, destroyed or mutilated. The affidavit in lieu of title may be used to release interest in the vehicle. The signature of the owner completing the affidavit in lieu of title must be notarized or certified as described in WAC 308-56A-270.

(2) "Affidavit of loss" is a written statement confirming the certificate of ownership, registration certificate, validation tab or decal has been lost, stolen, destroyed or mutilated. The affidavit of loss release of interest form may be used to release interest in the vehicle and transfer gross weight license for that vehicle to a new owner. The signature of the owner completing the affidavit of loss release of interest must be notarized or certified as described in WAC 308-56A-270.

(3) "Affixed" means attached.

(4) "Brands" means a permanent notation on the certificate of ownership and vehicle registration certificate that records a circumstance or condition involving a vehicle.

(5) "Brands incident date" is the date that a brand was first applied to a vehicle. For states/jurisdictions participating in the National Motor Vehicle Title Information System (NMVTIS), it's the date the brand was first reported. For all other states/jurisdictions, it is established by using the date the current title was issued. Brands on Washington records prior to the effective date of this rule will reflect a brand incident date equal to the date the last Washington certificate of ownership was issued.

(6) "Certificate of ownership" (also referred to as "certificate of title" or "title") is a legal document indicating proof of ownership and will establish a fact or sustain a judgment unless contradictory evidence is produced. A certificate of ownership may be a document other than a title when a title document is not issued by a jurisdiction. For example, for Canadian vehicles, the certificate of ownership is the registration.

(7) "Comment" means an indication on the certificate of ownership, vehicle title/registration application or vehicle registration certificate that relates to tax liability, type of ownership, title transaction type or a previous condition of the vehicle.

(8) "Commercial parking company" means any business directly engaged in providing vehicle parking upon property owned or controlled by the business and approved for public parking of vehicles.

(9) "Current license plate registration" means the current registration or one that has been expired less than one year.

(10) "Declaration in lieu of title" is a written statement confirming the certificate of ownership, registration certificate, validation tab is unavailable, lost, stolen, destroyed, or mutilated. The declaration in lieu of title may be used to release interest in the vehicle. The signature of the owner completing the declaration in lieu of title must be signed under penalty of perjury, as described in WAC 308-56A-270.

(11) "Declaration of loss" is a written statement confirming the certificate of ownership, registration certificate, validation tab or decal has been lost, stolen, destroyed, or mutilated. The declaration of loss release of interest form may be used to release interest in the vehicle and transfer gross weight license for that vehicle to a new owner. The signature of the owner completing the declaration of loss release of interest must be signed under penalty of perjury, as described in WAC 308-56A-270.

(12) "Department" means the same as described in RCW

46.04.162.

(13) "Department temporary permit" is a permit issued temporarily in lieu of permanent registration and license plates when required documentation is unavailable.

(14) "Electronic filing" is the use of an electronic method to transmit information to the department that may include, but is not limited to, the use of the internet and facsimile.

(15) "Involuntary divestiture" means a change in vehicle ownership without the registered owner's involvement.

(16) "Joint tenancy with rights of survivorship" (JTWROS) means two or more people who own a vehicle in joint tenancy with the right to own individually if one of them dies.

(17) "Jurisdiction code" means an abbreviation assigned by the department generally based on the U.S. Postal Service designation that indicates state, province, district, or country.

(18) "Legal owner" means the same as described in RCW 46.04.270.

(19) "Lien holder" means a person or entity that has a legal right or interest in another's property until a debt or duty that it secures is satisfied.

(20) "Natural person" means a human being.

(21) "Not eligible for road use" (NEFRU) means a vehicle that does not meet Federal Motor Vehicle Safety standards, other federal and/or state standards for public road use as adopted, applied, and enforced by the Washington state patrol described in RCW 46.37.005.

(22) "A declaration under penalty of perjury" means a statement signed by the applicant to the effect - "I declare under penalty of perjury under the laws of the state of Washington that the information I have provided on this form is true and correct. Anyone who knowingly makes a false statement may be guilty of a crime under state law.

(23) "Person" means the same as described in RCW 46.04.405.

(24) "Personal representative" means:

(a) An individual appointed by the court; or

(b) An individual named in the last will and testament and confirmed by the court to manage the estate of a deceased person.

Personal representative may also include executor, administrator, special administrator, and guardian or limited guardian and special representative as defined in RCW 11.02.005(1).

(25) "Registered owner" means the same as described in RCW 46.04.460.

(26) "Security interest" means a property interest created by agreement or by operation of law to secure performance of an obligation (repayment of a debt).

(27) "Security interest holders" means in this instance,

the same as "lien holder" as defined in subsection (16) of this section.

(28) "Secured party" means in this instance the same as "lien holder" as defined in subsection (16) of this section.

(29) "Standard brand" is a brand found on the brands list maintained by the National Motor Vehicle Title Information System (NMVTIS) program.

(30) "Transferee" means a person to whom a vehicle is transferred, by purchase, gift, or any means other than by creation of a security interest, and any person who, as agent, signs an odometer disclosure statement for the transferee, when applicable.

(31) "Transferor" means a person who transfers ownership in a vehicle by sale, gift, or any means other than by creation of a security interest and any person who, as agent, signs an odometer disclosure statement for the transferor, when applicable.

(32) "Unique brand" means a brand issued by a state that is not participating in the National Motor Vehicle Title Information System (NMVTIS) program and does not appear on the brands list maintained by NMVTIS.

(33) "Vehicle seller's report of sale" is a document or electronic record transaction that protects the seller of a vehicle from certain criminal and civil liabilities arising from use of the vehicle by another person after the vehicle has been sold or a change of ownership has occurred.

(34) A "vehicle" is a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

(35) "Washington vehicle licensing office" means an office that is operated by the department or an agent or subagent appointed under RCW 46.01.140 for the purpose of carrying out the vehicle titling and registration provisions in Title 46 RCW.

AMENDATORY SECTION (Amending WSR 02-24-014, filed 11/25/02, effective 12/26/02)

WAC 308-56A-525 Vehicle seller's report of sale. (1)
~~((What is a vehicle seller's report of sale? A vehicle seller's report of sale is a document or electronic record transaction that protects the seller of a vehicle from certain criminal and civil liabilities arising from use of the vehicle by another person after the vehicle has been sold or a change in ownership has occurred.~~

~~(2))~~ **Who must file a vehicle seller's report of sale?** With the exception of certain vehicle transfers by registered Washington vehicle dealers, and vehicles disposed of by licensed vehicle wreckers, Washington law (RCW 46.12.101) requires ~~((submission of))~~ filing a vehicle seller's report of sale by any person or business that transfers their interest in a Washington titled vehicle to anyone else. For the purposes of this rule, transferring interest includes, but is not limited to, selling, gifting, trading or disposing of your vehicle, but does not include the creation, deletion or change of a security interest.

~~((3))~~ **(2) When must a completed vehicle seller's report of sale be filed?** Vehicle seller's report of sale must be ~~((submitted))~~ received by the department within five days of the date of sale, gift, trade or other disposition of the vehicle, excluding Saturdays, Sundays, and state and federal holidays.

~~((4))~~ **(3) Who is the seller?** The seller is the current registered owner of record according to the computer file kept by the department. The seller is a person (individual or business) who transfers their right of ownership of a vehicle to another person or business.

(4) Who is the purchaser? The purchaser is a person (individual or business) who takes a vehicle into their possession, by voluntary acquisition.

(5) Why complete and file a vehicle seller's report of sale? It is in the seller's best interest to file the properly completed vehicle seller's report of sale to protect the seller in the event the buyer does not make application for ownership and then accumulates parking tickets, or towing charges, is involved in an uninsured accident or used in illegal activity, etc.

Vehicle seller's report of sale received by the department of licensing that are incomplete will be filed with the department; however, those that do not meet the requirements of the law may not protect the seller from any civil or legal action if the vehicle is subsequently abandoned or involved in illegal activity.

~~(6) ((Who is the purchaser? The purchaser is the person who bought, received as a gift, obtained through a trade or received a disposed vehicle.~~

~~(7) What information is required on the vehicle seller's report of sale? You are required to provide information contained in RCW 46.12.101.~~

~~(8))~~ **How do I file my vehicle seller's report of sale?** You may file your seller's report of sale ~~((in the following ways))~~ through:

(a) ~~((Through))~~ Your local vehicle/vessel licensing office;
or

(b) ~~((Mail it to))~~ The department by mail; or

(c) ~~((Through))~~ The internet.

~~((+9+))~~ **(7) What information is required on the vehicle report of sale?** You are required to provide information contained in RCW 46.12.101 that includes:

- (a) The date of sale or transfer;
- (b) Name(s) and address of seller;
- (c) Name(s) and address of transferee (buyer);
- (d) Description of vehicle; and
- (e) Purchase price.

When you mail a vehicle seller's report of sale to the department, you will not receive a confirmation or receipt. You may wish to make a photocopy of the report of sale for your records prior to sending it to the department.

(8) Is there a fee for recording a vehicle seller's report of sale? Yes. It applies when a report of sale is filed through your local vehicle licensing office as authorized by RCW 46.01.140 (5)(b).

~~((+10+))~~ **(9) May a vehicle seller's report of sale be removed from my vehicle record?** Yes. As a registered owner, you may have a vehicle seller's report of sale removed from your vehicle record through your local vehicle licensing office, or by notifying the department in writing. You will need to provide the reason you are removing the vehicle seller's report of sale from your vehicle record.

~~((+11+))~~ **(10) How will I ~~((prove))~~ show that I filed a completed vehicle seller's report of sale?**

~~((+a+))~~ When you file a vehicle seller's report of sale at any Washington vehicle licensing office, you will be provided with a receipt ~~((showing+))~~.

~~((+i+))~~ When you file a vehicle report of sale on the internet, you will have the option of printing your receipt. Both receipts will show the following information:

- (a) Date the report of sale was filed;
- ~~((+ii+))~~ (b) Description of vehicle;
- ~~((+iii+))~~ (c) Name and address of agent/subagent where filed (not included when filing through the internet);
- ~~((+iv+))~~ (d) Date of sale;
- ~~((+v+))~~ (e) Purchase price if provided;
- ~~((+vi+))~~ (f) Name(s) and address of seller;
- ~~((+vii+))~~ (g) Name(s) and address of transferee (buyer if provided).

~~((+b+))~~ When you file a vehicle seller's report of sale on line, you will be provided a receipt showing:

- ~~(i) Date the report of sale was filed;~~
- ~~(ii) Description of vehicle;~~
- ~~(iii) Date of sale;~~
- ~~(iv) Purchase price;~~
- ~~(v) Name(s) and address of seller;~~
- ~~(vi) Name(s) and address of transferee (buyer).~~

~~When you mail a vehicle seller's report of sale to the department, you **will not** receive a confirmation or receipt. You may wish to make a photocopy of the report of sale for your records prior to sending it to the department.))~~

Washington law makes it clear that it is a felony to knowingly make a false statement of fact. The penalty, upon conviction, ~~((shall))~~ must be a fine of not more than five thousand dollars or imprisonment of not more than ten years, or both the fine and imprisonment. (RCW 46.12.210.)